

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES,

Plaintiff,

v.

REGINALD PURNELL,

Defendant.

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Case No. 2:05-cr-192

JUDGE SARAH D. MORRISON

OPINION & ORDER

The Court revoked Mr. Purnell's supervised release on November 14, 2019. (ECF No. 182.) Mr. Purnell appealed that decision on November 25, 2019. (ECF No. 185.) On February 7, 2020, and at the Sixth Circuit's direction, Mr. Purnell filed an Application and Affidavit by Incarcerated Person to Proceed Without Prepayment of Fees (ECF No. 189) for his appeal.

Mr. Purnell's application states that he is currently imprisoned and that he does not receive payment from the correctional facility for participation in any work program. The application provides that he has no banking account and no assets outside of prison. Mr. Purnell's signature appears on the application. Because the application seeks to benefit Mr. Purnell in the form of removing the filing fee requirement, the Court shall disregard the "under duress" language above his signature for this motion only. Mr. Purnell is warned, however, that any such similar notation on future filings with this Court will be *sua sponte* struck from the record.

Federal Rule of Appellate Procedure 24 requires the party seeking *in forma pauperis* status to attach an affidavit that shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or to give security for fees and costs; claims an entitlement to

redress; and states the issues the party intends to present on appeal. Defendant did not attach an affidavit claiming an entitlement to redress and stating the issues he intends to present on appeal. As such, Defendant's motion (ECF No. 189) is **DENIED WITHOUT PREJUDICE** to re-filing.

The Clerk is directed to provide notice to the parties and to the Sixth Circuit Court of Appeals of this Court's decision as required by Rule 24(a)(4) of the Federal Rules of Appellate Procedure.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
JUDGE SARAH D. MORRISON
UNITED STATES DISTRICT COURT